

REMARKS/ARGUMENTS

I. Status of the Claims

Claims 5-6 are cancelled without prejudice or disclaimer of the subject matter therein. Claims 1, 2, and 11 have been amended. Claim 12 has been added. Support for these amendments can be found, for example, on page 47, paragraph 83 of the specification of this invention and Table 1. Claims 1-4 and 7-12 are pending.

Reconsideration of the pending claims in view of the following remarks is respectfully requested. No new matter is added by way of the present amendments.

II. Rejections under 35. U.S.C. § 103

Claims 1-4 and 7-11 are rejected under 35 U.S.C. § 103 (a) as being unpatentable over JP 10-193494 ("JP '494") in view of US 6,815,079 ("Rosenbaum").

The Examiner states that JP '494 discloses a reflective multilayer film comprising a base layer, a metal layer, and a surface layer. The Examiner states that JP '494 teaches a base layer that is a voided white film comprising a polymer and a white pigment, wherein the film has a light transmittance of less than 50%.

The Examiner also states that Rosenbaum discloses that it is well-known in the art to form reflective voided white films from a composition comprising polylactide resins and a white pigment in typical amounts of 1-25 wt%, wherein the film has a typical longitudinal stretch ratio of 1.5-8 and a transverse stretch ratio of 3-10 in order to form white films with improved orientation characteristics.

The Examiner states that it would have been obvious to a person of ordinary skill in the art at the time the invention was made to use a known environmentally friendly white film as the base layer of the reflective film of JP '494 to form useful reflective laminates. The Examiner further states that it would have been obvious to adjust the amount of voiding the base film to optimize the optical and mechanical properties for specific applications.

Applicant respectfully traverses this rejection.

Amended claim 1 recites an average reflectance of 98% or higher. JP '494 does not disclose a reflecting film having a reflectance of 98% or more. The highest reflectance of the reference is 97.14% in a wavelength of 550 nm (JP '494, Example 1, Table 1, paragraph 16). The reflective film of the present invention has an average reflectance as high as 98% or more in a wide range of wavelength regions (420 nm to 700 nm), both before the irradiation with ultraviolet rays and after the irradiation with ultraviolet rays.

Regarding the Examiner's contention that it would have been routine to vary the reflectance in JP '494, Applicant submits that the Examiner has failed to provide any objective evidence that motivates one to adjust the reflectance in the wide range of wavelength regions both before irradiation and after irradiation with ultraviolet rays. Under U.S. law "a particular parameter must first be recognized as a result-effective variable i.e., a variable which achieves a recognized result, before the determination of optimum or workable ranges of said variable might be characterized as routine experimentation." (*See* MPEP 2144.05(II)(B) citing *In re Antonie* 559 F.2d 618). Applicant submits that JP '494 does not recognize that reflectance percentages can be adjusted or optimized through a range of wavelength regions. In fact, JP '494 does not teach or suggest that *any* reflectance percentage changes would occur if the wavelength regions were to be manipulated beyond 550 nm, either before or after irradiation.

Furthermore, to establish *prima facie* obviousness of a claimed invention, all the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). "All words in a claim must be considered in judging the patentability of that claim against the prior art." *In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Although JP '494 provides reflectance data measured at 550 nm, the reference is silent as to any reflectance activity at higher or lower ranges, much less the particular range that would create a reflectance of greater than 98%. In fact, JP '494 only discloses the reflectance data at 550 nm. Accordingly there is nothing in JP '494 that teaches or

suggests that the reflectance data at 550 nm could be used or extrapolated to cover a range as recited by the Applicant's invention. Thus Applicant submits that the Examiner has not properly considered all of the claim limitations and the prima facie case of obviousness is, therefore, improper.

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The Examiner states that JP '494 explicitly states that the type of base film is not particularly limited and that the absence of specific examples utilizing aliphatic polyesters in JP '494 does not constitute a clear teaching away from the use of aliphatic polyesters as a base layer material.

Applicant notes that in JP '494 the plastic film base material (1) used in the Examples is a polyethylene terephthalate film (JP '494, paragraph 0011-0012). The polyethylene terephthalate film is used as a comparative film in the Applicant's invention (Applicant's specification, Comparative Examples 1 and 2.) The polyethylene terephthalate film used in Comparative Example 1 of this invention, trade name DIAFOIL W-400 manufactured by DIAFOIL CORPORATION, is the same as the film used in Example 3 of JP '494. Comparative Examples 1 and 2 exhibit an average reflectance of 94% or less in the wavelength 420 nm to 700 nm. One of ordinary skill in the art would not look to JP '494 to teach or suggest an average reflectance of 98% or more when JP '494 could not produce that average reflectance.

Based on the foregoing remarks, Applicant submits that the rejection to claim 1 as obvious over JP '494 has been addressed and overcome. Accordingly, the rejection as applied to the dependent claims 2-4 and 7-11 are also overcome. Withdrawal of the present rejection is respectfully requested.

CONCLUSION

In view of the foregoing, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

By 
Louis J. DeJure

Registration No.: 47,522
DARBY & DARBY P.C.
P.O. Box 770
Church Street Station
New York, New York 10008-0770
(212) 527-7700
(212) 527-7701 (Fax)
Attorneys/Agents For Applicant